

REMARKS

A Substitute Specification and Abstract is submitted herewith to place the case in better English form. The Substitute Specification and Abstract contains no new matter. In order that the examiner can satisfy himself in this regard, also submitted herewith is a marked-up copy of the original Specification and Abstract from which the Substitute Specification and Abstract was typed.

Support for the language added to claim 1 and in new claim 12 defining the foam material as "wherein the entire second portion is compressible within said depressed portion" finds corresponding description in several of the drawing figures, e.g., Figs. 3 and 7, and in the description of the original specification at page 9, lines 23-27, page 10, lines 12-16 and page 14, lines 28-32. The recitation of the vertical length of the depressed portion or portions of the beam as 30 to 80% finds corresponding description in the original specification at page 12, lines 13-17.

New claims 13 and 14 find corresponding description at page 11, lines 1-7.

Finally, newly presented claims 15 and 16 find support, for example, in Fig. 8 of the drawings.

Responsive to paragraph 1 of the office action, the Substitute Specification corrects the informalities noted by the examiner as well as other informalities in the form

of errors in grammar and diction.

The examiner's rejection of claim 3 as being indefinite is moot in view of the present cancellation of claim 3.

The rejection of claims 1 and 2 for anticipation by Schroeder et al (A - U.S. 6,354,641) is respectfully traversed for the reason that the structure of Schroeder does not include a support beam with a depression in its face extending rearwardly from a top edge thereof.

The rejection for anticipation by Tan et al (B - U.S. 6,308,999) is respectfully traversed for the reason that the foam 14 is commensurate in height with element 24, rather than 30 to 80% thereof as required by the amended claims. Further, the element 24 of Tan et al is "sigma" shaped and has no stepped portion or rearward depression extending from an upper edge of a face.

The rejection of claims 1 and 2 for anticipation by Bastien et al (C - U.S. 6,832,795) is respectfully traversed for the reason that the "support means 11" of Bastien et al has no foam body located at an upper edge of its face. Further, the bumper of Bastien et al is designed to have its upper portion unsupported so as to "tilt or rotate absorbing impact energy." See column 1, lines 36-58. Such designs are "intended to guide a pedestrian onto the bonnet where it is believed that the pedestrian is in less danger of injury," quoting from column 1, lines 22-26. Thus, provision of a

foam body at the upper edge of the support means 11 in Bastien would be contrary to the operating principle of Bastien et al.

The rejection of claims 1 and 2 for anticipation by Zollner et al (E - U.S. 6,637,788) is also traversed for the reason that there is no foam body present in the front face of a support member (cross bar 10) extending rearwardly from a front face thereof. While cross bar 10 of Zollner et al has a rearwardly extending depression at its upper end, that depression is not occupied by the foam body but, rather, by folded up air bag 9.

The rejection of anticipation of claims 1 and 2 by WO 02/244487 is respectfully traversed because the hat beam 11 has only a central "longitudinal recess" 21 and no recess extending inwardly from the top edge thereof. Further, with respect to new claims 10 and 11, there is no suggestion in the reference of use of a molding of polypropylene resin beads offering the advantages described at page 18, lines 18-25 of applicants' original specification.

The rejection of claims 1 and 2 for anticipation by German DE 19911595 is respectfully traversed because the support beam 7 does not have a front face with a step therein at an upper longitudinal edge.

The rejection of claim 3 as set forth in paragraph 6 of the office action is moot in view of the cancellation of that claim.

The rejection of claim 4 as set forth in paragraph 7 of the office action is respectfully traversed for the same reasons that the rejections based on Zollner et al and WO 02/24487 are traversed above.

The rejection of claim 6 as set forth in paragraph 8 of the office action is respectfully traversed for the same reasons that the rejections based on Schroeder et al, WO 02/24487, Zollner et al, and Tan are traversed above. The rejection of claim 6 is further traversed for the reason that none of the applied references has a separate foam body as required by amended claim 6.

The rejection of claim 9 for anticipation, as set forth in paragraph 9 of the office action is respectfully traversed for the reasons that the rejections of claims 1 and 2 for anticipation by Schroeder et al, Zollner et al and Tan are traversed above.

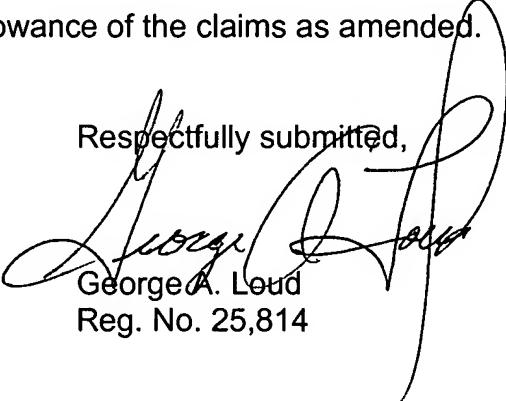
The rejection of claim 5 for anticipation or obviousness over DE 19911595, as set forth in paragraph 12 of the office action is respectfully traversed for the same reason that the rejection of claims 1 and 2 over the reference is traversed above. Further, the bumper of the present invention, as is emphasized throughout applicants' specification, is specifically designed to prevent injury to the legs of a pedestrian, a function in no way suggested by DE 19911595. There is no suggestion anywhere in DE 19911595 to provide a support bar having a "front face" with a step at the upper longitudinal edge thereof.

The rejection of claim 7 for anticipation by or obviousness over WO 02/24487, as set forth in paragraph 13 of the office action, is respectfully traversed for the same reason that the rejection of claims 1 and 2 over WO 02/24487 is traversed above. Further, claim 7 depends from claim 6 and defines the "energy absorbing body" as being a member "separate from said top foam material". No comparable structure is disclosed or suggested by WO 02/24487.

Finally, the rejection of claim 8 for obviousness over the references applied in rejecting claim 1 in view of Tusim et al is respectfully traversed for the same reasons that the rejections of claims 1 and 2 over the primary references are traversed above. Tusim is not suggestive of any of the structural features defined by claim 1 (upon which claim 8 depends) and missing from the primary references as noted above.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with a view toward allowance of the claims as amended.

Respectfully submitted,


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